

REMARKS

Response To Objection To Specification

The disclosure was objected to because of an informality. The Examiner requested that on page 2, line 17, the numeral “20” should be changed to -- 12 --. Appropriate correction has been made, as requested. Applicant respectfully requests that the objection be withdrawn.

Response To Objections To Drawings

The drawings have been objected to under 37 C.F.R. 1.83(a). The Examiner requested that a “ring” per claims 6 and 19 and an “eye” per claim 20 be shown or the features canceled from the claims. Figs. 3 and 4 have been amended to depict an eye and a ring, respectively. Applicant thus requests that the objections to the drawings be withdrawn. It is believed that the amendments and additions add no new matter to the present application

Response To Objection To Claim

Claim 16 has been objected to because of an informality. The Examiner requested that in claim 16, line 2, the spelling of “cap” be corrected. Appropriate correction has been made and Applicant respectfully requests that the objection to the claim be withdrawn.

Response To Claim Rejections Under 35 U.S.C. §102

(a) Claims 1, 4, 5, 8-14, 17, 18, 20, and 21 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by admitted prior art figures 1 and 2. Applicant respectfully traverses this rejection on at least the grounds that the prior art figures 1 and 2 do not show the feature of independent claims 1 and 21 of an end cap “swaged” on an end of a transmission cable.

Additionally, the prior art figures 1 and 2 do not disclose the step of “swaging an end cap” on an end of a transmission cable, as claimed in independent claim 13. Anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ 2d 1321 (Fed. Cir. 1992).

The required anticipation by the prior art FIGS. 1 and 2 is not present for independent claims 1, 13, and 21. FIG. 1 shows a squared off end plug 12 that is made of “an epoxy or resin-type material”. *See* Specification at page 2, lines 21-27. Prior art FIG. 2 discloses another type of end plug that is in the form of a screw-on cap. *See* specification at page 3, lines 13-19. Neither FIG. 1 nor FIG. 2 disclose an end cap “swaged” on the end of a transmission cable. In the specification, Applicant has defined the term “swaged” as “for the purposes of this document [meaning] the uniform, permanent reduction of the cross-section of the end cap/cable by application of an hydrostatic strain.” Neither of the end plugs of prior art FIGS. 1 or 2 meet this definition. With the end plug of FIG. 1, the end plug is formed by attaching a cardboard conical mold to exposed fiber optical ribbon, after which an epoxy or resin-type material is applied and allowed to harden. Thus, the end plug of FIG. 1 is not formed by hydrostatic strain, nor does it result in the uniform, permanent reduction of the cross-section of the end cap/cable. Additionally, the end plug of FIG. 2 is formed on the end of the cable by threadedly fastening the barrel of the end cap to the cable. Thus, the end cap of FIG. 2 is also not formed on the transmission cable by hydrostatic strain, and also does not result in the uniform, permanent reduction of the cross-section of the end cap/cable. Applicant respectfully requests that the rejection of independent claims 1, 13, and 21 be withdrawn.

(b) Claims 1, 4, 5, 6-9, 13, 17, 19, 20, and 22 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Siebe Inc./Salisbury (W H) and Co (cited in IDS). Applicant respectfully traverses this rejection on at least the grounds that the reference by *Siebe Inc.* also does not teach or disclose the feature of an end cap “swaged” or “swaging an end cap” on an end of a transmission cable, as described in independent claims 1, 13, and 22. As noted above, the manner in which the end cap of *Siebe Inc.* is fitted onto the end of the cable, does not comport with the definition of “swaged” used in the present specification. As disclosed on page 1-17 of *Siebe Inc.*, the end caps are “[s]imple to slide over cable ends and tape in position.” Thus, all the features of independent claims 1, 13, and 22 are not taught or suggested by *Siebe Inc.* Applicant respectfully requests that the rejection of independent claims 1, 13, and 22 be withdrawn.

(c) Claims 1, 4, 5, 8, 9, 13, 17, 18, 20, and 21 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by the Hysol Division cable end caps (cited in IDS). Applicant respectfully traverses this rejection on at least the grounds that *Hysol* also does not teach or suggest the features of an end cap “swaged” or “swaging an end cap” on an end of a transmission cable as recited in independent claims 1, 13, and 21. Page 2 of *Hysol* discloses how the end cap of Hysol is fitted onto a cable. *Hysol* directs to “[s]imply slip the cap on the cable until snug and tighten the stainless steel clamp.” *Hysol* at 2. Additionally, FIG. 2 of *Hysol* clearly depicts that its end cap includes a medal clamp that is fitted around the end cap and the cable that holds the end cap tightly onto the cable. Thus, the end cap of *Hysol* is not “swaged” onto the end of a transmission cable, as recited in independent claims 1 and 21. Additionally, *Hysol* does not disclose “swaging an end cap” on the end of a cable, as claimed in claim 13. Applicant respectfully requests that the rejection of independent claims 1, 13, and 21 be withdrawn.

Dependent Claims:

Dependent claims 2-12 and 14-20 are believed to be allowable for at least the reason that these claims depend from allowable independent claims 1, 13, and 21. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). Additionally, and notwithstanding the foregoing allowability of the dependent claims, the dependent claims may include additional features/steps that are also allowable over the cited art. For example, claim 6 recites a ring and claim 7 recites an eye configured to aid in pull-through installation of the cable. Both of these features are absent in prior art figures 1 and 2, and in both of the *Siebe Inc.* and *Hysol* references. For at least these reasons, Applicant respectfully requests that the rejection of dependent claims 2-12 and 14-20 be withdrawn.

Response To Claim Rejections Under 35 U.S.C. §103

Claims 2, 3, 15, and 16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the admitted prior art figures 1 and 2. Applicant respectfully traverses this rejection on at least the grounds that each of the dependent claims 2, 3, 15, and 16 depend from allowable independent claims 1, and 13. The allowability of independent claims 1 and 13 have been demonstrated above. In addition to the deficiencies of prior art figures 1 and 2 recited above for independent claims 1 and 13, dependent claims 2, 3, 15, and 16 contain other features that are allowable as well.

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the prior art reference must suggest all features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). Here, the Examiner has

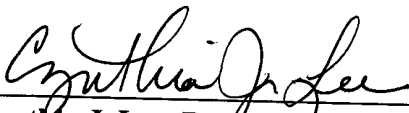
admitted that prior art Figs. 1 and 2 of the specification do not disclose an end cap of metal or aluminum.

The Examiner makes a blanket statement that “it would have been obvious to one of ordinary skill in the art... for the admitted prior art figures 1 and 2 to have end caps comprises [sic, comprising] a metal or aluminum in order to make the end caps stronger.” The Federal Circuit has held that “[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” *In re Fritch*, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780 (Fed Cir. 1992) (citing *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984)). The Examiner has modified prior art figures 1 and 2 without indicating any reason for doing so, or any desirability in those figures for doing so. Thus, for at least these reasons, Applicant respectfully requests that the rejection of dependent claims 2, 3, 15 and 16 be withdrawn.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed and/or accommodated, and that the now pending claims 1-22 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


Cynthia J. Lee, Reg. No. 46,033

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500